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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/806,544

03/23/2004

Alain Yang

D0932-00403

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05/05/2006

DUANE MORRIS, LLP

IP DEPARTMENT

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103-4196

EXAMINER

GOFMAN, ANNA

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/806,544 | Applicant(s) YANG ET AL. | |
| | Examiner Anna Gofman | Art Unit 1771 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 28-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/23/04, 10/06/04, 2/17/05, 12/27/05</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. The Examiner has carefully considered Applicant's response filed March 23, 2006. The rejection of claims 1-16 and 18-27 has been maintained.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1-6, 11-15, 18-23, 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kajander et al. (US 2003/0008586).

Kajander et al. teach a water soluble nonwoven mat comprising a plurality of plastic-containing bi-component fibers with a polyester core and a sheath of polyethylene (par. 0010), which is inherently a thermoplastic polymer. Further, the sheath material inherently has a lower melting point temperature than that of the core material. These fibers may be organic, such as cellulose, wood, and cotton fibers, or inorganic fibers, such as rotary glass fibers (par. 0010 and 0019), which inherently may be mono-component fibers. On paragraph 0030, Kajander et al. disclose that said mat has a thickness of 5/8 inches thick (or 15.9 mm) and a density of 45 pounds per cubic foot, implying a uniform density (and thus, a uniform blend) throughout the laminate. The inorganic glass fibers have diameters in the range of about 6 to about 23 microns

and lengths of about 0.25 inches (or 0.635 cm) (par. 0018). The plastic-containing fibers make up about 2-3 wt. percent of the nonwoven mat (par.0018).

9. The recitation, "a liquid sorbent material" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Rejection maintained.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander et al.

The features of Kajander et al. have been set forth above. Kajander et al. is silent about the density and weight of the fibrous structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired density and weight through the process of routine experimentation in order to arrive at

values which offered the optimum insulation in the invention of Kajander et al. Thus, claims 7-10 are rejected.

Further, Kajander et al. teach that the glass fibers have a length of about 6.35 mm, but disclose that fibers of various lengths can also be used to attain different characteristics in a known manner. The longer the fiber, the poorer the fiber dispersion (par. 0019). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the desired fiber length through the process of routine experimentation in order to arrive at values which offered the optimum fiber distribution in the invention of Kajander et al. Thus, claim 16 is rejected.

Rejection maintained.

12. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajander et al. in view of Frank et al. (US 6,479,416).

The features of Kajander et al. have been set forth above. Kajander et al. is silent about a having mineral core in the bi-component fibers. Frank et al. is drawn to composite materials containing bi-component thermoplastic fibers. Frank et al. teach an absorbent material comprising thermoplastic bi-component fibers which bond to each other. These fibers may contain mineral fibers (pg.1 par.2 lines 49-53). It would have been obvious to one having ordinary skill in the art at the time of the invention to make the bi-component fibers comprise mineral, as taught by Frank et al., in the invention of Kajander et al., motivated to provide strength and additional insulation to the fibrous material. Thus, claims 24-25 are rejected.

Rejection maintained.

Response to Arguments

13. Applicant's arguments filed on March 23, 2006 have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that Kajander et al. do not teach or suggest a liquid sorbent material containing 2 to 50 wt.% plastic-containing bonding fibers. On paragraph 0010 Kajander et al. teach that these binder fibers can be made of polyvinyl alcohol, which is a plastic-containing fiber. On paragraph 0018 Kajander et al. teach that the nonwoven mat can contain about 2-3 wt.% binding fibers, which anticipates the claimed range of from 2 to 50 wt.% plastic-containing bonding fibers. Therefore, the rejection of claims 1-16 and 18-27 is maintained.

14. The 112nd paragraph rejection for claim 25 is withdrawn in view of Applicant's arguments.

Terminal Disclaimer

15. The terminal disclaimer filed on March 13, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 11/049692 and 11/067714 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

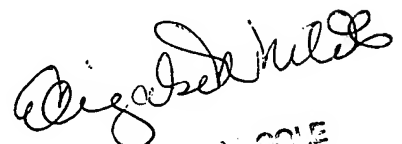
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Gofman whose telephone number is (571) 272-7419. The examiner can normally be reached on Mon.-Fri. 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anna Gofman


ELIZABETH COLE
PATENT EXAMINER